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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,409	12/20/2001	Bernd Eilers	30014200-1015	2814

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SONNENSCHN NATH & ROSENTHAL LLP  
FOR SUN MICROSYSTEMS  
P.O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606-1080

EXAMINER
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AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/027,409	Applicant(s) EILERS ET AL.	
	Examiner Benjamin A. Ailes	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,8-12,16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8-12,16 and 18-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This application has been assigned to a new Examiner. Please see the Conclusion section for updated contact information.
2. Claims 1, 2, 6, 8-12, 16, 18-25 remain pending.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 November 2005 has been entered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 6, 8-12, 16, 18-25 rejected under 35 U.S.C. 102(e) as being anticipated by Tracton et al. (US 6,470,378 B1), hereinafter referred to as Tracton.

Art Unit: 2142

6. Regarding claim 1, Tracton discloses a method in a data processing system comprising a web server having a web page with a content, the method comprising the steps of:

determining to download the web page to a client (col. 3, ll. 41-42, A client sends a request to a server.);

obtaining a client capability of the client from a source other than the client responsive to the determination (col. 4, ll. 7-10, The server sends a request to a registry to retrieve client capability information.);

adapting the content of the web page to be compatible with the obtained client capability (col. 4, ll. 10-13, The server creates the customized page in accordance with the client capability information.); and

downloading the web page with the adapted content to the client (col. 4, ll. 10-13, The customized web page is transmitted to the client.).

7. Independent claims 11, 21, 24, and 25 contain similar subject matter and are rejected under the same rationale as independent claim 1.

8. Regarding claim 2, Tracton discloses the step of storing the obtained client capability at the web server (col. 4, ll. 7-10).

9. Regarding claim 6, Tracton discloses the method wherein the client capability is obtained from a secondary storage on the web server (col 4, ll. 7-10).

10. Regarding claim 8, Tracton discloses the method wherein the client capability is obtained from a second server (Figure 3 and col. 4, ll. 7-10).

Art Unit: 2142

11. Regarding claim 9, Tracton discloses the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

12. Regarding claim 10, Tracton discloses the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

13. Regarding claim 12, Tracton discloses the step of storing the obtained client capability at the web server (col. 4, ll. 7-10).

14. Regarding claim 16, Tracton discloses the method wherein the client capability is obtained from a secondary storage on the web server (col 4, ll. 7-10).

15. Regarding claim 18, Tracton discloses the method wherein the client capability is obtained from a second server (Figure 3 and col. 4, ll. 7-10).

16. Regarding claim 19, Tracton discloses the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

17. Regarding claim 20, Tracton discloses the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

18. Regarding claim 22, Tracton discloses the method wherein the client comprises a browser program, and wherein the client capability comprises a setting of the browser program (col. 6, ll. 44-49).

19. Regarding claim 23, Tracton discloses the method wherein the client capability comprises a video display capability of the client (col. 4, ll. 33-42).

***Response to Arguments***

20. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

22. Fields et al. (US 6,412,008 B1) discloses a system and method for cooperative client/server customization of web pages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

baa

  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**